

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**SHARON ROPER WEISZ and
ALLEN WEISZ**

CIVIL ACTION NO. 6:11-CV-00376

VERSUS

**JUDGE REBECCA F. DOHERTY/
MAG. JUDGE PATRICK J. HANNA**

**BIO-MEDICAL APPLICATIONS OF
LOUISIANA LLC, CONTINENTAL
CASUALTY COMPANY, AND
CINTAS CORPORATION NO. 2**

TRIAL BY JURY REQUESTED

THIRD AMENDED PETITION/COMPLAINT FOR DAMAGES

The plaintiffs, in accordance with Rule 15 (a), Federal Rules of Civil Procedure, amend the complaint in this action to read as follows:

1.

Plaintiffs amend the caption of their original Petition, First and Second Amended Petition/Complaint to add CINTAS CORPORATION NO. 2 as an additional defendant.

2.

Plaintiffs amend paragraph 1 of their original Petition, First and Second Amended Petition/Complaint so as same reads as follows (First and Second Amended Petitions were in State Court proceedings):

"1.

Made defendants herein are:

1. BIO-MEDICAL APPLICATIONS OF LOUISIANA LLC, a foreign corporation authorized to do business in the State of Louisiana who may be served through their agent for service of process, CT Corporation System, 5615 Corporate Boulevard, Suite 400B, Baton Rouge, Louisiana, 70808.

2. CONTINENTAL CASUALTY COMPANY, a foreign corporation authorized to do business in the State of Louisiana who may be served through the Louisiana Secretary of State, 8585 Archives Ave., Baton Rouge, Louisiana, 70809.
3. CINTAS CORPORATION NO. 2, a foreign corporation authorized to do business in the State of Louisiana who may be served through their agent for service of process, National Registered Agents, Inc., 1011 N. Causeway Blvd., Ste. 3, Mandeville, Louisiana 70471."

3.

Plaintiffs amend their original Petition, First and Second Amended Petition/Complaint by adding paragraph 5(a) so as same reads as follows:

"5(a).

Upon information and belief, at the time of the accident, BIO-MEDICAL APPLICATIONS OF LOUISIANA LLC and/or FRESENIUS MEDICAL CARE DIALYSIS GROUP, LLC, had a contract with CINTAS CORPORATION NO. 2, to furnish mats for entryways into Fresenius Medical Care. The mat that caused plaintiff, SHARON RAE ROPER-WEISZ, to fall was furnished by CINTAS CORPORATION NO. 2 to FRESENIUS MEDICAL CARE OF LOUISIANA DIALYSIS GROUP, LLC, and/or BIO-MEDICAL APPLICATIONS OF LOUISIANA, LLC."

4.

Plaintiffs amend their original Petition, First and Second Amended Petition/Complaint to add paragraph 5(b) so as to have same read as follows:

"5(b).

CINTAS CORPORATION NO. 2 failed to inspect, maintain, process, and clean the mat that Sharon Rae Roper-Weisz fell upon, despite repeated demands by the staff of FRESENIUS MEDICAL CARE about the condition of the mat. Therefore, CINTAS CORPORATION NO. 2, knew or in the exercise of reasonable care, should have known of the mats dangerous condition

and failed to exercise reasonable care to remedy the situation. Demand is also made upon CINTAS CORPORATION NO. 2 for the damages sustained by the plaintiffs herein.”

5.

Plaintiffs amend their original Petition, First and Second Amended Petition/Complaint, to add paragraph 5(c) so as to have same reads as follows:

“5(c)

Plaintiffs request a trial by jury.”

6.

Plaintiffs amend the prayer and the prayer of their original Petition, First and Second Amended Petition/Complaint to add CINTAS CORPORATION NO. 2 as an additional defendant for relief prayed for and to request a jury trial.

7.

Lastly, plaintiffs renew and reiterate all of the allegations and all of the prayers of their original Petition, their First and Second Amended Petition/Complaint, as amended herein.

JOHNSON & VERCHER, L.L.C.

910 Ford Street

P. O. Box 849

Lake Charles, LA 70602

(337) 433-1414

BY:



TERRY J. JOHNSON, (TA)

LA Bar Roll/No. 07330

*Attorneys for Sharon Roper Weisz and
Allen Weisz*